

FORM PTO-1390 (Modified) U.S. PATENT AND TRADEMARK OFFICE; U.S. DEPARTMENT OF COMMERCE  
(REV. 2-2005)

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371**

ATTORNEY'S DOCKET NUMBER

05-250-A5

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

**10/538404**INTERNATIONAL APPLICATION NO.  
**PCT/US2003/037081**INTERNATIONAL FILING DATE  
**10 December 2003**PRIORITY DATE CLAIMED  
**12 December 2002**

TITLE OF INVENTION

**FORMING IRON NITROSYL HEMOGLOBIN**

APPLICANT(S) FOR DO/EO/US

**1) Jonathan S. Stamler      2) David J. Singel**

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
  - a. ☒ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☐ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☒ A copy of the International Search Report (PCT/ISA/210).

**Items 13 to 23 below concern document(s) or information included:**

13. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☐ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A power of attorney and/or change of address letter.
19. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
20. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
21. ☐ A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).
22. ☒ Express Mail Label No. **EV 334694335 US**
23. ☒ Other items or information:

**World Published Patent No. WO 2004/05443 A2; Patent Application Data Sheet; PTO Form 1449; 3 Cited References; Return Postcard and Filing Fee Check**

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO. <b>10/538404</b> INTERNATIONAL APPLICATION NO. <b>PCT/US2003/037081</b>		ATTORNEY'S DOCKET NUMBER <b>05-250-A5</b>	
The following fees are submitted:		<b>CALCULATIONS</b>	<b>PTO USE</b>
24. <input checked="" type="checkbox"/> Basic national fee ..... \$300		\$ 300.00	
25. <input checked="" type="checkbox"/> Examination fee If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4). ..... \$100 All other situations. .... \$200		\$ 200.00	
26. <input checked="" type="checkbox"/> Search fee ..... Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority ..... \$100 International Search Report prepared and provided to the Office ..... \$400 All other situations. .... \$500		\$ 100.00	
<b>TOTAL OF 24, 25 and 26 =</b>		\$ 600.00	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.			
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole)	RATE
- 100 =	0 /50 =	0	x \$250.00
			\$ 0.00
Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492(e)).			\$ 130.00
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE
Total claims	5 - 20 =	0	x \$50.00
Independent claims	5 - 3 =	2	x \$200.00
MULTIPLE DEPENDENT CLAIMS (if applicable) <input type="checkbox"/> + \$360.00			\$ 0.00
<b>TOTAL OF ABOVE CALCULATIONS =</b>			\$ 1,130.00
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.			\$ 565.00
<b>SUBTOTAL =</b>			\$ 565.00
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).			\$ 0.00
<b>TOTAL NATIONAL FEE =</b>			\$ 565.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property +			\$ 0.00
<b>TOTAL FEES ENCLOSED =</b>			\$ 565.00
		Amount to be	\$
		Amount to be	\$
a. <input checked="" type="checkbox"/> A check in the amount of \$ <b>\$565.00</b> to cover the above fees is enclosed.			
b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of _____ to cover the above fees. A duplicate copy of this sheet is enclosed.			
c. <input checked="" type="checkbox"/> The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <b>13-2490</b> . A duplicate copy of this sheet is enclosed.			
d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. <b>Credit card          information should not be included on this form.</b> Provide credit card information and authorization on PTO-2038.			
<b>NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b))          must be filed and granted to restore the International Application to pending status.</b>			
SEND ALL CORRESPONDENCE TO: <b>DERRY, Jason J.</b> <b>McDonnell Boehnen Hulbert &amp; Berghoff</b> <b>300 South Wacker Drive, Suite 3200</b> <b>Chicago, Illinois 60606</b> <b>(312) 913 0001 Phone</b> <b>(312) 913 0002 Fax</b>			
		SIGNATURE	
		Jason J. Derry	
		NAME	
		50,692	
		REGISTRATION NUMBER	